

**ORIGINAL**

**BOEHM, KURTZ & LOWRY**

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2804

Via Overnight Mail

May 12, 2006

Arizona Corporation Commission  
Attn: Docket Filing Window  
1200 Washington Street  
Phoenix, AZ 85007

**Re: Docket No. E-01345A-05-0816**

Dear Sir or Madam:

Please find enclosed the original and thirteen (13) copies of the Responses of the Kroger Co. to First Set of Data Requests of the Arizona Public Service Company to be filed in the above-referenced matter.

Please place this document of file.

Very Truly Yours,

Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.  
**BOEHM, KURTZ & LOWRY**

MLKkew  
Attachments

AZ CORP COMMISSION  
DOCUMENT CONTROL

2006 MAY 15 P 4:16

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### CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by regular U.S. mail (unless otherwise noted), this 12<sup>th</sup> day of May, 2006.

Company	Contact	Address
	Lawrence Robertson, Jr.	Munger Chadwich PO Box 1448 Tubac, Arizona 85646
	Lieutenant Colonel Karen White	139 Barnes Dr. Tyndall AFB, Florida 32403
	Robert Geake	PO Box 29006 Phoenix, Arizona 85038-9006
	Donna Bronski	City of Scottsdale Scottsdale, Arizona 85251
	Tracy Spoon	Sun City Taxpayers Assoc. Sun City, Arizona 85351
	Michelle Livengood	One South Church St. Ste. 200 Tucson, Arizona 85702
	Douglas Fant	3655 W. Anthem Dr. Ste. A109 Anthem, Arizona 85086
	Bill Murphy	Murphy Consulting Phoenix, Arizona 85016
	Jim Nelson	12621 N. 17 Place Phoenix, Arizona 85022
	Dan Austin	Comverge, Inc. Chandler, Arizona 85226
	Scott Wakefield	1110 W. Washington St. - 220 Phoenix, Arizona 85007
	Walter Meek	2100 N. Central Ave. - 210 Phoenix, Arizona 85067
	Michael Patten	One Arizona Center, 400 E. Van Buren St. - 800 Phoenix, Arizona 85004-3906

	Timothy Hogan	202 E. McDowell Rd. - 153 Phoenix, Arizona 85004
	C. Webb Crockett	3003 N. Central Ave. - 2600 Phoenix, Arizona 85012-2913
Arizona Public Service Company	Thomas Mumaw	PO Box 53999 Phoenix, Arizona 85072-3999  VIA OVERNIGHT MAIL
Arizona Corporation Commission	Ernest Johnson	1200 W. Washington Phoenix, Arizona 85007-2927
Arizona Corporation Commission	Chris Kempley	1200 W. Washington Phoenix, Arizona 85007-2927
Arizona Corporation Commission	Lyn Farmer	1200 W. Washington Phoenix, Arizona 85007-2927
	Deborah Scott	One Arizona Center Phoenix, Arizona 85004-0000



Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.

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BEFORE THE  
ARIZONA CORPORATION COMMISSION 2006 MAY 15 P 4: 16

IN THE MATTER OF THE APPLICATION OF :  
ARIZONA PUBLIC SERVICE COMPANY FOR :  
A HEARING TO DETERMINE THE FAIR :  
VALUE OF THE UTILITY PROPERTY OF THE :  
COMPANY FOR RATEMAKING PURPOSES, :  
TO FIX A JUST AND REASONABLE RATE OF :  
RETURN THEREON, TO APPROVE RATE :  
SCHEDULES DESIGNED TO DEVELOP SUCH :  
RETURN, AND TO AMEND DECISION NO. 67744 :

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKET NO. E-0134A-05-0816

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RESPONSE OF THE KROGER CO. TO  
TO FIRST SET OF DATA REQUESTS OF  
ARIZONA PUBLIC SERVICE COMPANY

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APS/Kroger 1-1 Please provide the names and place of employment for any witnesses, including consultants, retained by for working or the Kroger Company ("Kroger") with respect to the Application by Arizona Public Service Company ("ASPS") or "Company"), Docket No. E-01345A-05-0816 ("Application").

RESPONSE:

Stephen J. Baron, President of J. Kennedy & Associates, Inc.

APS/Kroger 1-2 Please provide a copy of the firm resume of any consulting firm that employs any of the consultants retained by or working for Kroger with respect to the Application.

RESPONSE:

See attached CD.

**APS/Kroger 1-3** Please provide a complete curriculum vitae, or resume, for any of the witnesses, including consultants, retained by or working for Kroger with respect to the Application.

**RESPONSE:**

See attached CD.

**APS/Kroger – 1-4** Please provide a listing of any court, administrative or regulatory proceedings in which any of the witnesses, including consultants, retained by or working for Kroger with respect to the Application has provided testing during the last 5 years.

**RESPONSE:**

See response to APS/Kroger – 1-4.

**APS/Kroger 1-5** Please provide a copy of any testimony prepared in the last 5 years by any of the witnesses, including consultants, retained by or working for Kroger with respect to the Application that addressed the same subject matter as the witness and/or consultant will be addressing in this proceeding.

**RESPONSE:**

See attached CD

**APS/Kroger 1-6** Please provide a copy of any reports, presentations, articles, or other documentation previously prepared in the last 5 years by any of the witnesses, including consultants, retained by or working for Kroger with respect to the Application that addressed the same subject matter as the witness and/or consultant will be addressing in this proceeding.

**RESPONSE:**

See attached CD. Other reports prepared by J. Kennedy & Associates, Inc. during this period are confidential reports prepared for a client and have not been attached.

**APS/Kroger 1-7**      **Please provide a copy of any decision or order by any court, administrative or regulatory agency or body in which any of the documents listed or provided in response to Qs 1-5 and 1-6 were introduced into evidence.**

**RESPONSE:**

Mr. Baron does not maintain such documents. They can, presumably, be obtained directly from regulatory agencies and courts.

**APS/Kroger 1-8**      **Please provide a copy of all non-privileged documents, including but not limited to correspondence, memoranda, notes, e-mails or documentation of any kind prepared by or received by any of the witnesses, including consultants or firms that employ any of the consultants, retained by or working for Kroger with respect to the Application that pertain to this proceeding.**

**RESPONSE:**

Mr. Baron has no such documents.

**APS/Kroger 1-9**      **Please provide a copy of all data requested served by Kroger, including all Kroger consultants, on any party other than APS in this proceeding. Please consider this an ongoing data request throughout this proceeding.**

**RESPONSE:**

No such requests have yet been made.

APS/Kroger 1-10      Please provide a copy of all data request responses prepared by Kroger, including all Kroger consultants, in response to any data request of any other party other than APS in this proceeding. Please consider this an ongoing data request throughout this proceeding.

**RESPONSE:**

No such responses have yet been made.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. L. Kurtz", written over a horizontal line.

Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

**BOEHM, KURTZ & LOWRY**

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**ATTORNEYS FOR THE  
KROGER CO.**